

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 11

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO FILING TAX RETURNS ELECTRONICALLY; AMENDING SECTION 63-2406, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION MAY BY RULE REQUIRE ANY MOTOR FUELS DISTRIBUTOR REPORTING AT LEAST TWENTY-FIVE RECEIPTS OR DISBURSEMENTS OF MOTOR FUEL DURING THE PERIOD TO WHICH THE RETURN RELATES, TO TRANSMIT RETURNS ELECTRONICALLY AND TO PROVIDE REQUIREMENTS OF THE RULES; AND AMENDING SECTION 63-3037, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION MAY BY RULE REQUIRE THAT INCOME TAXPAYERS WHO FILE AT LEAST TWO HUNDRED FIFTY INFORMATION RETURNS, TO TRANSMIT RETURNS ELECTRONICALLY AND TO PROVIDE REQUIREMENTS OF THE RULES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-2406, Idaho Code, be, and the same is hereby amended to read as follows:

63-2406. DISTRIBUTOR REPORTS. (1) Each distributor shall, not later than the last day of each calendar month or for such other reporting period as the commission may authorize, render to the commission an accurate report of all motor fuel received by him in this state during the preceding reporting period. The report shall be made in the manner and on forms required by the commission.

(2) The distributor's report shall include:

(a) An itemized statement of the total number of gallons of motor fuel received during the preceding calendar month; and

(b) Other information as the commission may require for the proper administration of this chapter.

(3) The report shall be accompanied by a remittance of the tax shown to be due on the report together with any applicable interest and penalty, unless the amounts due are paid by electronic funds transfer in the manner provided by section 67-2026, Idaho Code.

(4) Any distributor required to pay the tax imposed by this chapter who fails to pay such tax shall be liable to the commission for the amount of tax not remitted plus any applicable penalty or interest. The commission may collect such amounts in the manner provided in section 63-2434, Idaho Code.

(5) The commission may prescribe rules providing standards consistent with section 63-115, Idaho Code, for determining which returns must be transmitted electronically. The commission may not require any person to transmit returns electronically unless such person is required to report on the return at least twenty-five (25) transactions involving the receipt or disbursement of motor fuel during the period to which the return relates. In promulgating such

1 rules, the commission shall take into account, among other relevant factors, the ability of the  
2 taxpayer to comply, at a reasonable cost, with the requirements of such rules.

3 SECTION 2. That Section 63-3037, Idaho Code, be, and the same is hereby amended to  
4 read as follows:

5 63-3037. INFORMATION RETURNS. (a) All persons, in whatever capacity, including  
6 lessees or mortgagors of real or personal property, fiduciaries and employers, making payment  
7 to another person of interest, rent, salaries, wages, except as provided by subsection (b)  
8 of section 63-3035, Idaho Code, and section 63-3036, Idaho Code, premiums, annuities,  
9 compensation, remunerations, emoluments, payments to subcontractors, other fixed or  
10 determinable gains, profits and income, or corporate liquidation distributions shall make returns  
11 to the state tax commission setting forth the amount of such gains, profits and income, and  
12 the name and address of the recipient of such payment. Such returns shall correspond to the  
13 requirements of the Internal Revenue Code.

14 (b) The state tax commission may, by regulation, excuse the filing of any returns required  
15 by subsection (a) of this section when it finds that the returns required of any class or group of  
16 persons do not contribute to the efficient administration of the taxes imposed by this chapter.

17 (c) The commission may prescribe rules providing standards consistent with section  
18 63-115, Idaho Code, for determining which returns must be transmitted electronically. The  
19 commission may not require any person to transmit returns electronically unless such person is  
20 required to report on the return at least two hundred fifty (250) annual information returns. In  
21 promulgating such rules, the commission shall take into account, among other relevant factors,  
22 the ability of the taxpayer to comply, at a reasonable cost, with the requirements of such rules.